

Message Text

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ACTION DLOS-02

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LIMITED OFFICIAL USE SECTION 1 OF 2 OSLO 3270

LIMDIS

FOR AMBASSADOR RICHARDSON

E.O. 11652: N/A
TAGS: PLOS, NO
SUBJECT: RESPONSE TO AMBASSADOR RICHARDSON'S LETTER OF JUNE 15

REF: STATE 151055

1. NORWEGIAN LOS MINISTER JENS EVENSEN HAS ASKED US TO TRANSMIT HIS
RESPONSE TO AMBASSADOR RICHARDSON'S JUNE 15 LETTER. BEGIN TEXT:

DEAR ELLIOT,

THANK YOUR VERY MUCH INDEED FOR YOUR GOOD LETTER OF 15 JUNE.
IT GAVE A VERY INTERESTING EXPOSE OF THE RESULTS OBTAINED IN GENEVA
AND OF YOUR THOUGHTS ON THE RESUMED NEW YORK SESSION.

I FULLY AGREE WITH YOUR ASSESSMENT OF THE SEVENTH SESSION AND YOUR
SATISFACTION IN ITS ACCOMPLISHMENT. THE CRUCIAL QUESTION IS NOW HOW
TO TAKE ADVANTAGE OF THE MOMENTUM THAT WAS DEVELOPED DURING THE LATER
STAGES OF THE SESSION. I HAD THE PLEASURE OF EXCHANGING SOME
PRELIMINARY VIEWS

ON THESE ISSUES WITH TWO OUTSTANDING MEMBERS OF YOUR LAW
OF THE SEA DELEGATION WHO JUST VISITED OSLO - MR. ALAN BERLIND
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AND MR. RONALD KATZ.

THE STARTING POINT IN YOUR LETTER IS AS ALWAYS
A VERY REALISTIC AND SOBER ONE. I SHALL ATTEMPT TO GIVE
CHRONOLOGICALLY MY REACTION TO YOUR STATUS REPORT FROM
THE NEGOTIATING GROUPS:

(1) I SHARE YOUR VIEW THAT THE NJENGA TEXTS FORM A
GOOD BASIS FOR FURTHER NEGOTIATION. I AGREE WITH YOUR

ASSESSMENT THAT FRANK SHOULD CONTINUE HIS WORK IN WORKING GROUP I AND THAT WE SHOULD NOW DEVOTE OUR EFFORTS TO ISSUES WHICH WE HAVE NOT YET BEEN ABLE TO DEAL SUFFICIENTLY WITH, ANNEX II AND THE RELATED QUESTION OF ITS APPLICATION TO THE ENTERPRISE. SUCH AN EXERCISE MAY VERY WELL THROW FURTHER LIGHT ON THE ARTICLES WE HAVE ALREADY EXAMINED.

(2) THERE IS AS YOU MENTION A CLEAR NEED FOR ADDITIONAL WORK ON FINANCIAL ARRANGEMENTS. I APPRECIATE THE ANALYSIS BEING MADE OF THE NORWEGIAN PROPOSAL AND THE SUPPLEMENTARY REACTIONS I GOT ON IT FROM YOUR DISTINGUISHED DELEGATES VISITING OSLO. WE AGREED THAT IT MIGHT BE USEFUL AS PART OF A MUTUAL EDUCATIONAL AND INTELLECTUAL EXERCISE TO MEET AT MIT IN BOSTON, PREFERABLY ON 15 AUGUST, TO DISCUSS ITS DIFFERENT IMPLICATIONS. I AM MOST INTERESTED IN HAVING SUCH A DISCUSSION WITH EXPERTS FROM YOUR DELEGATION (MR. KATZ) AND THE MIT EXPERTS. THE OUTCOME OF SUCH A PREPARATORY MEETING MIGHT FORM A GOOD BASIS FOR THE FURTHER NEGOTIATIONS THAT ARE NECESSARY IN THIS RESPECT. I HOPE AS YOU DO THAT AMBASSADOR KOH WILL BE ABLE TO DEVOTE HIS FULL TIME TO THIS CRUCIAL QUESTION DURING THE RESUMED SESSION. I SHALL COOPERATE WITH YOU AND HIM TO THE BEST OF MY ABILITY.

(3) AS TO THE DISCUSSIONS ON THE COMPOSITION AND VOTING OF THE COUNCIL I FEEL THAT A SOLUTION SHOULD BE WITHIN REACH. BUT I AGREE THAT IT IS ESSENTIAL THAT PAUL NOW DEVOTES HIS TIME TO OTHER ISSUES THAT MUST BE SOLVED. I BELIEVE, HOWEVER, THAT THE DISPUTE SETTLEMENT ISSUES MIGHT LIMITED OFFICIAL USE

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PROVE EXTREMELY DIFFICULT. IN ANY EVENT IT MIGHT BE USEFUL IF A VERY INFORMAL AND SMALL GATHERING HAD A CHANCE FOR SOME DISCUSSION ON THE COMPOSITION OF THE COUNCIL DURING THE RESUMED SESSION.

(4) THE COMPROMISE FORMULA WORKED OUT IN THE NANDAN GROUP IS WITH MINOR DRAFTING CHANGES SATISFACTORY. A RESUMPTION OF THE NEGOTIATIONS MIGHT BE DETRIMENTAL AND PROVE COUNTER-PRODUCTIVE. THE FINAL ACCEPTANCE OF THIS TEXT MUST BE SEEN I.A. IN CONNECTION WITH THE POSSIBLE OUTCOME OF THE NEGOTIATIONS IN NEGOTIATING GROUP 6.

(5) THE NEGOTIATIONS UNDER AMBASSADOR STAVROPOULOS HAVE BROUGHT US CLOSE TO A CONSENSUS ON ONE MAIN ISSUE OF THE SETTLEMENT OF DISPUTE ISSUES.

(6) THE SOVIET PROPOSAL ON THE EXTENSION OF THE CONTINENTAL SHELF HAS BROUGHT SOME CONFUSION INTO THE NEGOTIATIONS. AS YOU ARE AWARE, THE CANADIAN GOVERNMENT HAS MADE REPRESENTATIONS IN MOSCOW PRESENTING AN AIDE MEMOIRE IN SUPPORT OF THE IRISH FORMULA. I UNDERSTAND THAT THE US GOVERNMENT HAS PRESENTED SIMILAR VIEW-POINTS TO THE SOVIET MINISTER OF FOREIGN AFFAIRS IN A LESS FORMAL MANNER.

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LIMDIS FOR AMBASSADOR RICHARDSON

FOR YOUR PERSONAL INFORMATION I MAY MENTION THAT IT IS LIKELY THAT I SHALL HAVE CERTAIN DISCUSSIONS WITH REPRESENTATIVES OF THE SOVIET DELEGATION BEFORE THE RESUMED SESSION. I SHALL THEN BRING UP THIS QUESTION ORALLY. I THINK ALONG THE SAME LINES AS YOU DO THAT THE IRISH FORMULA PRESENTS THE BEST CHANCES FOR A WORKABLE COMPROMISE. I SHALL ASK THE SOVIET REPRESENTATIVES TO RECONSIDER THEIR STAND. I HAVE CERTAIN INDICATIONS THAT THEY MAY BE WILLING TO DO SO BUT THAT THEY WOULD TRY TO STRIKE A BARGAIN WITH REGARD TO ART. 56. WHETHER ANY CHANGES OR ADDITIONS IN THIS ARTICLE WOULD BE ACCEPTABLE BY THE GROUP OF 77 IS PERHAPS DOUBTFUL TO SAY THE LEAST. THE QUESTION OF REVENUE-SHARING WILL OBVIOUSLY BE AN ISSUE IN THIS WORKING GROUP. THAT MIGHT FORCE THE MARGINEERS TO RETHINK THEIR STRATEGIC APPROACH TO THE FURTHER NEGOTIATIONS. THE CANADIAN AMBASSADOR IN OSLO HAS INDICATED THAT THEIR LAW OF THE SEA DELEGATION IS RECONSIDERING THEIR APPROACH AS A COUNTER MOVE TO THE INCREASED PRESSURE EXERCISED BY THE GDS ALSO WITH REGARD TO PROFIT SHARING.

FURTHER PROGRESS IN THE CONFERENCE WOULD TO A SUBSTANTIAL DEGREE DEPEND UPON THE RESULTS OF THIS NEGOTIATING GROUP.

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(7) WE HAVE NO EXPECTATIONS WHATSOEVER TO BREAK THE DEAD-LOCK SITUATION ON THE DELIMITATION ISSUE.

I AGREE FULLY WITH YOUR ASSESSMENT THAT WE SHOULD REGARD THE WORK OF COMMITTEE II AS SUCCESSFULLY COMPLETED EXCEPT FOR A FEW OUTSTANDING ISSUES. THE SAME GOES FOR COMMITTEE III MATTERS.

I THINK, HOWEVER, THAT THERE STILL IS SERIOUS NEED FOR FURTHER NEGOTIATIONS ON DISPUTE SETTLEMENT. THE DISPUTE SETTLEMENT TEXT HAS NOT UNDERGONE THE SAME SERIOUS CONSIDERATION AS THE OTHER THREE PARTS AND THERE ARE STILL SERIOUS LACUNAE AND DISCREPANCIES IN THE TEXT.

I ALSO AGREE IN YOUR MAIN TACTICAL APPROACH THAT A TEMPORARY FREEZE ON THE TEXTS WHERE A COMPROMISE SOLUTION HAS MORE OR LESS BEEN OBTAINED, IS NECESSARY. THE LAST-MINUTE FINE-TUNING OF COMMITTEE II AND OTHER TEXTS HAS TO BE HANDLED DISCREETLY AND AT A LATER STAGE.

WITH REGARD TO THE WORKING PROCEDURE OF THE RESUMED SESSION, I SHARE YOUR DOUBTS. AS YOU ARE AWARE, THE ASIAN-AFRICAN LEGAL CONSULTATIVE COMMITTEE HAS TAKEN AN INITIATIVE FOR DISCUSSION WITH A LIMITED GROUP OF REPRESENTATIVES A FOUR-DAY MEETING IN NEW DELHI (31 JULY - 3 AUGUST). THE TOPICS WILL BE:

(I) INTERNATIONAL SEA-BED AREA - ITS RESOURCES INCLUDING FINANCIAL ARRANGEMENTS BETWEEN THE INTERNATIONAL SEA-BED AUTHORITY AND THE OPERATORS; AND

(II) OUTER LIMITS OF THE CONTINENTAL SHELF.

I HAVE IN PRINCIPLE DECLARED THAT I WOULD ACCEPT THE INVITATION. I THINK THAT THIS WOULD PROVE A GOOD OPPORTUNITY FOR A MORE PERSONAL EXCHANGE OF VIEWS, BOTH ON QUESTIONS OF SUBSTANCE AND PROCEDURE IN CONNECTION WITH OUR FORTHCOMING RESUMED SESSION. I MAY IN THIS CONNECTION MENTION THAT I WAS CONTACTED YESTERDAY BY THE SOVIET CHARGE D'AFFAIRES IN OSLO WHO ASKED ME FROM MINISTER KOSYREV WHETHER I WOULD LIMITED OFFICIAL USE

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PARTICIPATE. I GOT THE IMPRESSION THAT MINISTER KOSYREV ALSO CONTEMPLATED TO GIVE AN AFFIRMATIVE ANSWER TO THE INVITATION AND I HOPE THAT THE GROUP SHALL HAVE THE PLEASURE ALSO OF YOUR COMPANY.

MY WIFE AND I SEND YOU AND YOUR FAMILY OUR BEST WISHES AND WE HOPE THAT YOU WILL HAVE A NICE SUMMER VACATION. SIGNED JENS. END TEXT.

2. ORIGINAL POUCH TO S/AR
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